

COASTAL CONSERVANCY

Staff Recommendation

June 30, 2004

HEARN GULCH ACQUISITION – PHASE II

File No. 04-042

Project Manager: Moira McEnespy

RECOMMENDED ACTION: Authorization to disburse up to \$250,000 to the Redwood Coast Land Conservancy (the RCLC) for acquisition of approximately two additional acres on the Hearn Gulch Headlands for public access, recreation, and open space and scenic protection purposes.

LOCATION: Oceanfront property along Highway 1, Point Arena, Mendocino County (see Exhibit 1-3, “Regional Map,” “Neighborhood Map,” and “Plat Map”).

PROGRAM CATEGORY: Public Access

EXHIBITS

Exhibit 1: Regional Map

Exhibit 2: Neighborhood Map

Exhibit 3: Plat Map

Exhibit 4: Letters of Support

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following Resolution pursuant to Sections 31400 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement to the Redwood Coast Land Conservancy (RCLC) of up to two hundred fifty thousand dollars (\$250,000) toward the acquisition (including closing costs) of approximately two additional acres on the Hearn Gulch Beach and Headlands in Mendocino County (“the Property”), identified as Mendocino County Assessors Parcel Nos. 142-010-06 and 142-010-07 and as shown in Exhibits 1-3 of the staff recommendation.

This authorization is subject to the following conditions:

1. Prior to disbursement of any funds for acquisition of the Property, the RCLC shall submit for the review and approval of the Executive Officer all relevant acquisition

documents, including but not limited to the appraisal, agreement of purchase and sale, escrow instructions and documents of title.

2. RCLC shall pay no more than fair market value for the Property, as established in an appraisal approved by the Executive Officer.
3. RCLC shall permanently dedicate the Property for public access, and open space and scenic preservation in an instrument approved by the Executive Officer, in accordance with Public Resources Code Section 31116(b).”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with Chapter 9 of Division 21 of the Public Resources Code, regarding public access to the coast.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Redwood Coast Land Conservancy is a private nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, whose purposes, which include the preservation of land for recreational, scenic and open space opportunities, are consistent with Division 21 of the Public Resources Code.”

PROJECT SUMMARY:

Staff recommends that the Conservancy authorize disbursement of up to \$250,000 to the Redwood Coast Land Conservancy (RCLC) for acquisition of approximately two additional acres on the Hearn Gulch headlands.

The RCLC is a nonprofit organization dedicated to the acquisition, conservation and maintenance of lands for public access, recreational, educational, ecological, agricultural, scenic and open space opportunities. The RCLC accomplishes its purposes through acquiring real property or partial interests therein.

In June 2001, the Conservancy authorized disbursement of funds to the RCLC to purchase the 3.5-acre Hearn Gulch Beach and Headlands property for public access, recreation, and open space and scenic protection purposes. The acquisition was completed in December 2001. In planning for safe and legal ingress to and egress from, and parking on the Hearn Gulch property, it has become clear from discussions with Mendocino County and Caltrans that a small strip of the adjacent two-acre property is needed. This southern property has since become available for sale, and thus is the subject of this authorization request. In addition to providing safe and legal access to the Hearn Gulch Headlands, acquisition of the southern property would add almost two acres of open space and complete preservation of the entire Hearn Gulch Headlands. The RCLC will own and manage this two-acre property as part of the total Hearn Gulch Beach and Headlands property. Upon acquisition, the RCLC will be able to formally open the entire Hearn Gulch Beach and Headlands for public access. Specifically, the RCLC will allocate a strip of

land just off of and along Highway 1 for vehicular ingress, egress, and parking, and will protect the remainder of the headland for open space and coastal trail purposes.

Site Description: From the Hearn Gulch headlands, one can experience beautiful whitewater ocean views. A sloping trail leads down to a protected pocket beach, which is sheltered from wind and appropriate for recreational activities. Steep, craggy cliffs and sea caves surround the headland. A creek comes from the east through Hearn Gulch. Historically, the property served as a mooring location for schooners during the lumbering days of the late 1800s. The area is designated as “highly scenic” in the Local Coastal Program, and passengers along Highway 1 in either direction can see both the cliff faces and the whitewater from the highway. In addition, the property will be a valuable stopping place for those hiking and biking the Coastal Trail which follows Highway 1. The site is the only assured public access point from the Gualala River to the south to Schooner Gulch Beach just north.

Project History: In June 2001, the Conservancy authorized disbursement of funds to the RCLC to purchase the 3.5-acre Hearn Gulch Beach and Headlands property for public access, recreation, and open space and scenic protection purposes. That acquisition was completed in December 2001, and the RCLC has worked since then to develop an access management plan for the site. Through that process it has become apparent that acquisition of the southern parcel is necessary to provide safe automobile ingress, egress, and parking. The RCLC now has the opportunity to acquire the balance of the headlands, which will enable RCLC to safely and formally open the Hearn Gulch property for public access.

PROJECT FINANCING:

	<u>Phase I</u>	<u>This Authorization</u>	<u>Total</u>
Coastal Conservancy	\$35,420	\$250,000	\$285,420
Caltrans TEA funds	\$272,580		\$272,580
RCLC		\$10,000	10,000
Total Project Cost	\$308,000	\$260,000	\$568,000

The expected source of Conservancy funds for this project is the FY 02/03 appropriation to the Conservancy from the “California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002” (Proposition 40). Proposition 40 funds may be used by the Conservancy for land acquisition in accordance with Division 21. The proposed project is consistent with this requirement (see “Consistency with Conservancy’s Enabling Legislation” section, below). As also required by Proposition 40 for grant-making priority, the Conservancy funds will be matched by a \$10,000-minimum contribution that the RCLC, a small, all-volunteer organization, is committed to raising. Recall that in Phase I of the acquisition, Caltrans awarded the Conservancy a \$272,580 Transportation Enhancement Activities (TEA) program grant toward purchase of the Hearn Gulch property. Thus, total matching funds for the entire acquisition are 50 percent.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project is undertaken pursuant to Sections 31400 et seq. of Division 21 of the Public Resources Code. Public Resources Code Section 31400 states the Legislature’s intent that the Conservancy have a principal role in the implementation of a system of public accessways to

and along the state's coastline. The proposed acquisition will serve to carry out that mandate through the funding and negotiation of a land acquisition that will guarantee public access to the Hearn Gulch Beach and Headlands property.

Public Resources Code Section 31400.3 allows the Conservancy to aid nonprofit organizations in establishing a system of public coastal accessways, and Public Resources Code Section 31400.1 provides that the Conservancy may award grants to any nonprofit organization to acquire land, or to develop, operate or manage land for public access purposes to and along the coast. The RCLC is a nonprofit organization that seeks to acquire, develop, and operate the Hearn Gulch Beach and Headlands as a coastal public accessway for both the local community and visitors alike. The property is suitable for this purpose as it lies between Highway 1 on the east and the Pacific Ocean on the west.

Finally, the proposed funding authorization is consistent with Public Resources Code Section 31400.2, which provides that the Conservancy may provide up to the total cost of the acquisition of interests in lands and the initial development of public accessways by any nonprofit organization. As required by Section 31400.2, in arriving at the amount of Conservancy contribution to the acquisition, staff has taken into account the fact that RCLC is a small, all-volunteer organization that cannot raise more than its matching contribution and has considered all other factors typically used to determine project priority and eligibility as detailed below under the "Consistency with Conservancy Project Selection Criteria and Guidelines" section.

**CONSISTENCY WITH CONSERVANCY'S
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 1, Objective C**, and **Goal 2, Objective A**, the proposed project will secure an additional two acres of coastal headlands for open space and scenic preservation, and for construction of a segment of the California Coastal Trail.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section, above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section, above.
3. **Support of the public:** Acquisition of the Hearn Gulch Beach and Headlands for public access has the support of Congressman Mike Thompson, State Senator Wesley Chesbro, former Assemblywoman Virginia Strom-Martin, the State Department of Parks and Recreation, Mendocino County Supervisor David Colfax, Mendocino County Department of Planning & Building, the Sonoma Land Trust, the Sonoma County Agricultural Preservation and Open Space District, the Anderson Valley Land Trust, the Comptche Land Conservancy,

Friends of Schooner Gulch, and the Trust For Public Land. See project support letters for the overall Hearn Gulch Beach and Headlands acquisition in Exhibit 4.

4. **Location:** The proposed project would be located within the coastal zone of Mendocino County.
5. **Need:** This proposed acquisition will fulfill part of the Conservancy's priority goal of increasing coastal access in Mendocino County. Conservancy funds are now needed to enable the RCLC to acquire and manage this property for public access purposes. Because the RCLC is a small, all-volunteer organization, it is only able to commit to raising a minimum of \$10,000 toward the acquisition. It has, however, prepared a property management plan and will provide ongoing property management and maintenance, a significant contribution.
6. **Greater-than-local interest:** The Mendocino coast is a statewide and national scenic and recreational destination. Visitors traveling Highway 1 will continue to be able to enjoy the scenic quality of the site, and will be able to realize new public access and recreation opportunities.

Additional Criteria

7. **Urgency:** The southern piece of the Hearn Gulch headlands is currently on the market and may be developed as a residential home site if not acquired by the RCLC. Absent Conservancy action, this opportunity will be lost, possibly forever.
8. **Realization of prior Conservancy goals:** See the "Project History" section, above.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The proposed project is consistent with the relevant portions of the Coastal Element of the Mendocino County Land Use Plan (Adopted by the Mendocino County Board of Supervisors November 5, 1985, and most recently revised March 11, 1991; Certified by the Coastal Commission November 20, 1985).

The Land Use Plan contains coastal element policies pertaining to shoreline access. Policy number 3.6-5 states in relevant part that "Acquisition methods such as bequests, gifts, and outright purchases are preferred by the County when obtaining public access from private landowners." Policy number 3.6-6 states in relevant part that "Shoreline access points shall be at frequent rather than infrequent intervals for the convenience of both residents and visitors and to minimize impacts on marine resources at any one point."

The Land Use Plan states that "The Coastal Element designates the area west of Highway 1 between Point Arena and Iverson Road [which includes the proposed project location] as a 'highly scenic area' within which development shall be subordinate to the character of its setting."

Finally, the Land Use Plan identifies specific "Designated Access Points and Recreation Areas." Policy number 4.11-20 for Hearn Gulch states that "Accessway dedication shall be obtained consistent with policy 3.6-5 [stated above]."

The proposed project will acquire land west of Highway 1 between Point Arena and Iverson Road for public access, recreation, and scenic and open space preservation purposes. The project

will add to and enable opening of a public access point where there is none for an approximately 10-mile stretch of coastline. The proposed project is thus consistent with the relevant policies contained in the Mendocino County Land Use Plan.

COMPLIANCE WITH CEQA:

With funds from the Conservancy, the RCLC will acquire an addition to the Hearn Gulch Beach and Headlands property to preserve it as scenic open space and for public access purposes. The acquisition of the Property as provided in this staff recommendation is thus categorically exempt from the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations Section 15325, which exempts transfers of ownership of interests in land in order to preserve open space, including existing natural conditions. Staff will file a notice of exemption upon Board approval.